



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,787	01/02/2001	Christer Fahracus	0460/63465/	4222

7590 04/06/2004
Norman H Zivin
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

DASTOURI, MEHRDAD

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/06/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

mv

Office Action Summary

Application No.

09/673,787

Applicant(s)

FAHRAEUS, CHRISTER

Examiner

Mehrdad Dastouri

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed January 12, 2004, has been entered and made of record.
2. Objection to the title of invention has been withdrawn in view of Applicant's amendment.
3. Objection to the specification for not containing an abstract as required by 37 CFR 1.72(b) has been withdrawn in view of providing the abstract in a separate sheet.
4. The priority under 35 U.S.C. 119(e) based upon a previously filed provisional application is hereby acknowledged.
5. Objection to Figure 2 has been withdrawn in view of new submitted drawing.
6. Objection to Claims 4-11 under 37 CFR 1.75(c) as being in improper multiple dependent claims has been withdrawn in view of Applicant's amendment.
7. Applicant's arguments regarding Claims 1-13 have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 6, 12, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamanari et al (U.S. 5,025,484).

Regarding Claim 1, Yamanari et al disclose a device for recording information, comprising a sensor for recording a primary image of the information (Figures 1, Scanner 2; Column 3, Lines 22-39), characterized by a display for showing a secondary image which constitutes at least part of the primary image (Figure 5; Column 2, Lines 46-52; Column 3, Lines 16-39), and control means, with the aid of which a user can define on which sub-image of the primary image an operation is to be performed (Figures 1, 3 and 5; Column 3, Lines 16-67. Figure 5(a) depicts the primary image. The secondary image is the read field 26.).

Regarding Claim 2, Yamanari et al further discloses a device according to Claim 1, wherein the sensor is an area sensor (Figure 1, Scanner 2).

Regarding Claim 3, Yamanari et al further discloses a device according to Claim 1 or 2, wherein the control means are adapted to alter, while being actuated by the user, the relationship between the primary and the secondary image so that that part of the primary image which is shown as the secondary image on the display changes (Figures 1, 3 and 5; Column 3, Lines 16-67. The read field 26 will be changed to correct the reject character and any overlapping in the display area.).

Regarding Claim 6, Yamanari et al further discloses a device according to Claim 1, wherein:

The control means are further adapted, while being actuated by the user, to mark an area in the secondary image on the display as said sub-image, and to instruct the device to carry out said operation on the marked area (Column 3, Lines 57-67).

With regards to Claim 12, arguments analogous to those presented for Claims 1 and 3 are applicable to Claim 12.

With regards to Claim 13, arguments analogous to those presented for Claim 1 are applicable to Claim 13.

Regarding Claim 18, Yamanari et al further discloses a method according to Claim 12, wherein said altering step saves the defined sub-image of the primary image (Column 3, Lines 44-67).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-3, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Browning (U.S. 6,081,629).

Regarding Claim 1, Browning discloses a device for recording information, comprising:

a sensor for recording a primary image of the information (Figure 1A and 1B; Column 2, Lines 22-50. The primary image is the complete image of a line of text.),

a display for showing a secondary image which constitutes at least part of the primary image (Figures 1B and 3, Display 22; Column 2, Lines 58-62. The secondary

Art Unit: 2623

image is any portion of the primary image. This also includes the complete primary image based on reasonable interpretation of claimed language.), and

control means operated by a user (Figure 3, user controls 24) to define a sub-image of the primary image on which to perform an operation (Figures 2-5; Column 2, Lines 62-67, Column 3, Lines 1-15. The sub-image is the image of Internet URL's, Internet protocol addresses, e-mail addresses, etc., which will be selected by operator to be stored for subsequent transmission.).

Regarding Claim 2, Browning further discloses a device according to Claim 1, wherein:

the sensor is an area sensor (Figure 1A and 1B; Column 2, Lines 22-34).

Regarding Claim 3, Browning further discloses a device according to Claim 1, wherein:

the control means are adapted to alter, while being actuated by the user, the relationship between the primary and the secondary image so that that part of the primary image which is shown as the secondary image on the display changes (Figures 3 and 5; Column 2, Lines 62-67, Column 3, Lines 1-15.).

Regarding Claim 9, Browning further discloses a device according to Claim 1, wherein the device is of the hand-held type (Figures 1A and 1B).

Regarding Claim 10, Browning further discloses a device according to Claim 1, wherein the device is a portable scanner (Figures 1A and 1B).

Art Unit: 2623

Regarding Claim 11, Browning further discloses a device according to Claim 1, wherein said operation is the operation of saving the defined sub-image of the primary image (Column 2, Lines 62-67, Column 3, Lines 1-3).

With regards to Claim 12, arguments analogous to those presented for Claims 1 and 3 are applicable to Claim 12.

With regards to Claim 13, arguments analogous to those presented for Claim 1 are applicable to Claim 13.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 7, 8, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (U.S. 6,081,629) in view of Murakami et al (U.S. 6,148,118).

Regarding Claim 4, Browning does not explicitly disclose to change the size of the area sensor from which the secondary image is fetched to be shown on the display.

Murakami et al disclose an image processing apparatus capable of reproducing documents in different size comprising changing the size of the area from which an image is directly fetched to be shown on a display (Figures 3 and 18; Column 5, Lines 46-67, Column 6, Lines 1-17; Column 11, lines 51 through Column 14, Line 18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Browning et al invention according to the teachings of

Art Unit: 2623

Murakami et al to implement further limitations recited in Claim 4 because it will increase flexibility of image reading device to be adapted to different size of the scanned images.

Regarding Claims 7 and 8, arguments analogous to those presented for Claim 4 are applicable to Claims 7 and 8. Murakami et al further disclose change of the area in X and Y directions (Column 13, Lines 49-67, Column 14, Lines 1-3).

Regarding Claim 14, arguments analogous to those presented for Claim 4 are applicable to Claim 14.

Regarding Claims 16 and 17, arguments analogous to those presented for Claims 7 and 8, respectively, are applicable to Claims 16 and 17.

14. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (U.S. 6,081,629) in view of Yasunari (JP-10049001).

Browning does not explicitly disclose further limitations of Claim 5.

Yasunari discloses an image forming device wherein the step of changing a relationship between two images takes place during continuous updating of the contents of one of the images (Figures 5, 7 and 8; Paragraph s 0006 and 0020-0024).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Browning et al invention according to the teachings of Yasunari to implement further limitations recited in Claim 5 because it will reduce the total duration of information processing which as a basic characteristic of the parallel processing methodology.

Regarding Claim 15, arguments analogous to those presented for Claim 5 are applicable to Claim 15.

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (703) 305-2438. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**MEHRDAD DASTOURI
PRIMARY EXAMINER**



Mehrdad Dastouri
Primary Examiner
Group Art Unit 2623
April 3, 2004